




Report to the Auburn City Council

Action Item

10

Agenda Item No.

City Manager's Approval

To: Mayor and City Council Members
From: Mark D'Ambrogi, Fire Chief 
Date: July 9, 2012
Subject: Weed Abatement Public Protest Hearing

The Issue

Shall the Council authorize the Fire Chief to perform abatement action on certain properties within the City of Auburn that have been declared a public nuisance?

Conclusion and Recommendation

Conduct a Public Hearing for the purpose of declaring public nuisance of those properties that have not complied with the Auburn Municipal Code, City Ordinance, Title IX, Chapter 95.03, "Notices to Remove: Default: Removal by City". And, by ABATEMENT ORDER, authorize the Fire Chief to abate those properties that have been posted and notified as a public nuisance and have not complied with "Notices to Remove".

Background

Attached as "Exhibit A", are listings of properties within the City of Auburn that have been sent "Notices to Destroy" weeds, dry grass, and or rubbish in an effort to reduce fire hazard potential. This is in accordance with the Weed Abatement Program declaring public nuisance upon such properties. Notices have been posted on such properties as well as mailed to listed property owners to destroy and remove such nuisance. Notices also advise the property owners of the scheduled Public Hearing of where the order for abatement may occur. The purpose of the public hearing is to allow any and all objections from any property owner that has not abated the public nuisance from their property. The Council may override any, all, or none of the objections at the public hearing and order abatement upon such properties.

Alternatives Available to Council; Implications of Alternatives

1. Conduct the public hearing and authorize abatement;
2. Take no action.

An order for abatement can only be passed until after such time a public hearing to allow protest has been conducted.

Fiscal Impact

All costs incurred by the City for abatement procedures will be recovered from the property owner(s).

Attachment: "Exhibit A"

Exhibit "A"

APN	Street Name	Street Number
004-100-033-000	High Street	1605
004-100-020-000	High Street	1500
004-360-006-000	High Street	1800
054-040-062-000	Dairy and Incline	
055-040-028-000	Maidu and Riverview	
055-040-029-000	Maidu and Riverview	
055-040-031-000	Maidu and Riverview	

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**THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS
FOLLOWS:**

SECTION 1: That the weeds growing upon the streets and sidewalks in front of said property are weeds which bear seeds of a wingy or downy nature or attain such large growth as to become a fire menace to adjacent improved property when dry, or which are otherwise noxious or dangerous.

SECTION 3. That by reason of the foregoing fact, the weeds or dry grass, stubble, refuse, or other flammable material growing or existing upon the properties hereinafter described, and upon the streets and sidewalks in front of said property constitute a public nuisance and should be abated as such.

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2 SECTION 4. That the private property, together with the streets and
3 sidewalks in front of same herein referred to, is more particularly described as
4 follows, to-wit: Those properties described in Appendix "A" attached hereto
5 and by this reference made a part hereof as though set forth in full at this
6 point.
7

8 THEREFORE BE IT RESOLVED, pursuant to the foregoing findings of fact,
9 that the weeds or dry grass, stubble, refuse, or other flammable material in
10 and upon and in front of the real property hereinbefore described constitute
11 and are hereby declared to be a public nuisance which should be abated. The
12 Fire Chief, is hereby designated the person to give notice to destroy said weed
13 or dry grass, stubble, refuse, or other flammable material and shall cause
14 notices to be given to each property owner by United States Mail and said
15 notice shall be substantially in the following form to-wit.

16 NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND
17 DIRT

18 Notice is hereby given that on the 11th day of June 2012, the City Council
19 of the City of Auburn passed a resolution declaring that noxious or dangerous
20 weeds were growing upon or in front of the property on this street, and that
21 rubbish, refuse, and dirt were upon or in front of property on this street, in
22 Auburn are more particularly described in the resolution, and that they
23 constitute a public nuisance which must be abated by the removal of the
24 weeds, rubbish, refuse, and dirt. Otherwise they will be removed and the
25 nuisance abated by the City and the cost of removal assessed upon the land
26 from or in front of which the weeds, rubbish, refuse, and dirt are removed and
27 will constitute a lien upon such land until paid. Reference is hereby made to
28

1 the resolution for further particulars. A copy of said resolution is on file in the
2 office of the City Clerk.

3 All property owners having any objections to the proposed removal of the
4 weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the
5 City Council of the City of Auburn to be held on July 9, 2012 at 6:00 p.m.
6 when their objections will be heard and given due consideration.


7 BE IT THEREFORE RESOLVED, that the Fire Chief is hereby authorized
8 and directed to authorize the recovery of costs of inspection of the properties
9 hereinabove described in a manner consistent with prior action of the City
10 Council. The recovery of these costs is vital to the ongoing operation
11 governing the identification and abatement of those properties that constitute
12 public nuisances and endanger the public safety.

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14 BE IT FURTHER RESOLVED THAT the 9th day of July 2012, at the
15 hour of 6:00 p.m. in the City of Auburn, is the day and hour, and the Meeting
16 Room of the City Council at City Hall is the place when and where any and all
17 property owners having any objections to the aforesaid proposed removal of
18 weeds or dry grass, stubble, refuse, or other flammable material may appear
19 before the City Council and show cause why said weeds or dry grass, stubble,
20 refuse, or other flammable material should not be removed in accordance with
21 this resolution, and said objections will then and there be heard and given due
22 consideration; and

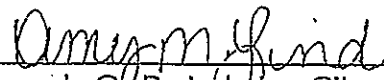
23
24 BE IT RESOLVED THAT the notices to destroy weeds or dry grass,
25 stubble, refuse or other flammable material hereinbefore referred to shall be
26 mailed by the City of Auburn at least ten days prior to July 9, 2012.

27 DATED: June 11, 2012
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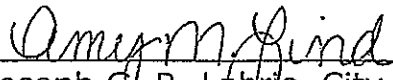

Kevin Hanley, Mayor

ATTEST:


Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 11th day of June 2012 by the following vote on roll call:

Ayes: Nesbitt, Holmes, Kirby, Powers
Noes:
Absent:
Abstain: Hanley


Joseph G. R. Labrie, City Clerk

[Appendix "A"]

	<i>APN</i>	<i>Street Name</i>	<i>Street</i>	<i>Number</i>
1		Dorothy Way		
2				
3				
4	001-012-016-000	Chamberlain Dr		659
5	001-082-005-000	E Placer St		321
6	002-092-028-000	Electric St		188
7	003-012-009-000	Electric St		240
8	003-012-010-000	Electric St		250
9	003-012-025-000	Olive Orchard		
10	003-103-008-000	High Street		446
11	004-100-020-000	High Street		1500
12	004-100-025-000	High Street		1600
13	004-100-033-000	High Street		1605
14	004-100-034-000	High Street		1585
15		Virginia		
16	004-160-026-000	Gold/Belmont St		
17	004-220-097-000	High Street		
18	004-360-001-000	High Street		1700
19	004-360-002-000	High Street		1720
20	004-360-004-00	High Street		1760
21	004-360-005-000	High Street		1780
22	004-360-006-000	High Street		1800
23		Nevada St		
24	038-150-002-000	Dairy Rd		455
25	054-040-062-000	Maidu and Riverview		
26	055-040-028-000	Maidu and Riverview		
27	055-040-029-000	Maidu and Riverview		
28	055-040-031-000	Eagles Nest		
	055-290-004-000			3075

1 ABATEMENT ORDER
2

3 _____ July 9, 2012
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5 FOLLOWING THE PUBLIC HEARING HELD July 9, 2012 IN THE MATTER OF
6 RESOLUTION TO ABATE NOXIOUS WEEDS, RUBBISH, AND REFUSE, THE CITY
7 COUNCIL OF THE CITY OF AUBURN, BY MOTION ADOPTED AN ORDER
8 DIRECTING THE ABATEMENT OF THE NUISANCE BY HAVING THE WEEDS,
9 RUBBISH, AND REFUSE REMOVED.
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13 CITY COUNCIL OF THE
14 CITY OF AUBURN
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17 BY _____
18 Kevin Hanley, Mayor
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20 ATTEST:
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22 BY _____
23 JOSEPH G. R. LABRIE, CITY CLERK
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1 STATE OF CALIFORNIA)
2) SS
3 CITY OF AUBURN)
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6 On or before the 9th day of July 2012, as required by the Government Code of
7 the State of California, the owners of each of the properties described in the
8 attached list were notified by United States Mail to destroy noxious or
9 dangerous weeds, of which the annexed is a true copy, and setting the 9th day
10 of July 2012 as the date upon which owners of said property could attend a
11 meeting of the Council of the City of Auburn, when their objections will be
12 heard and given due consideration.
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21 SUBSCRIBED AND SWORN TO BEFORE ME
22 This _____ day of _____, AUBURN
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26 _____
27 City Clerk
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